

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHARLES CATHCART, ET AL,

Defendants.

No. C-07-04762 PJH (JCS)

**NOTICE OF WITHDRAWAL WITHOUT
PREJUDICE OF MOTION FOR ENTRY OF
DEFAULT JUDGMENT AS TO DERIVIUM
CAPITAL (USA), INC. [Docket No. 11]**

On December 17, 2007, Plaintiff filed a motion for default judgment as to Defendant Derivium Capital (USA), Inc. ("the Motion"), which was referred to the undersigned magistrate judge for a report and recommendation. Default against Derivium Capital (USA), Inc. was entered by the Clerk's office on December 21, 2007. Subsequently, the owner of Derivium Capital (USA), Inc., Charles Cathcart ("Cathcart"), appeared in this action. Cathcart is currently litigating Plaintiff's claims against him on the merits, as are several other defendants who answered Plaintiff's complaint. Accordingly, at a motion hearing on April 25, 2008 before the undersigned magistrate judge, Plaintiff agreed, on the record, to withdraw the Motion without prejudice to refile it once Plaintiff's claims against Charles Cathcart and the remaining defendants who have appeared in this action have been determined.

Dated: April 25, 2008

FOR THE COURT,
Richard W. Wieking, Clerk

by: Karen L. Hom
Karen L. Hom
Courtroom Deputy